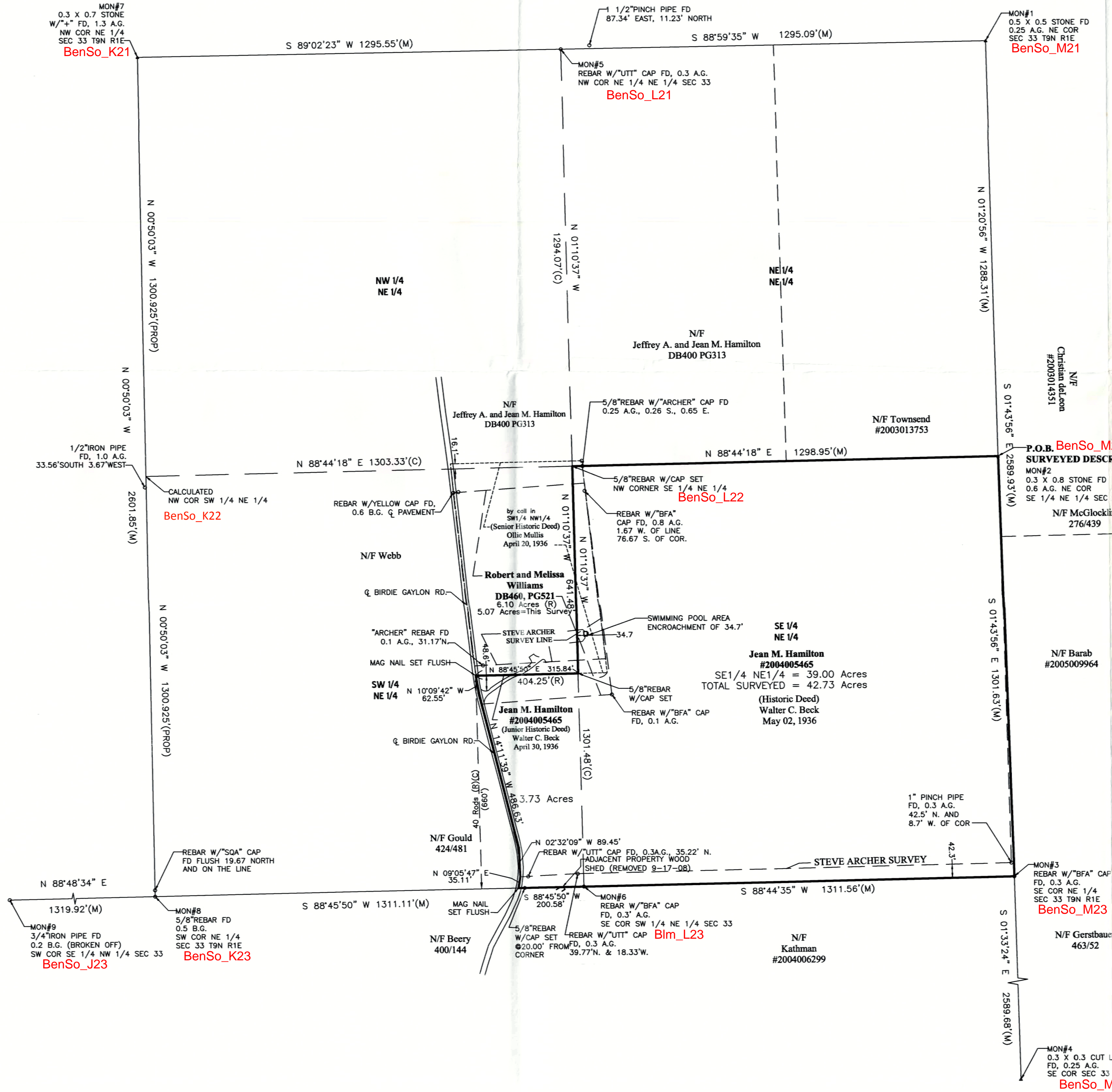
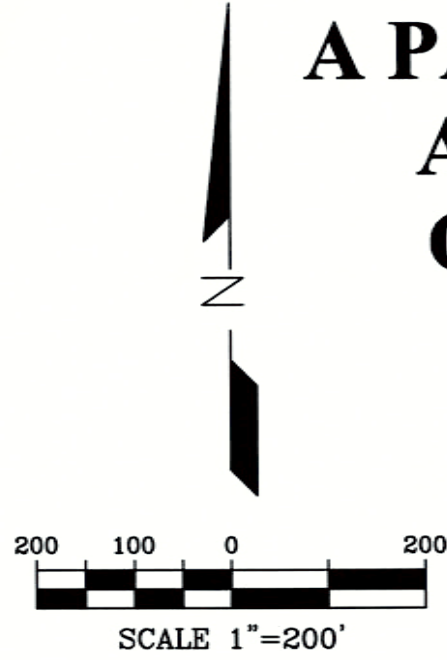


- LEGAL SURVEY -

RETRACEMENT BOUNDARY SURVEY

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER
AND A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST
QUARTER OF SECTION 33, T9N, R1E, MONROE COUNTY, INDIANA.



REPORT OF SURVEY
Job #5913

In accordance with Title 865, 1-12-1 through 1-12-30 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

- (a) Reference monuments of record
- (b) Title documents of record
- (c) Evidence of active lines of occupation
- (d) Relative Positional Accuracy "RPA"

The Relative Positional Accuracy "RPA" (due to random errors in measurement) of this survey is within that allowable for a Rural survey (0.26' plus 200 ppm) as defined IAC, Title 865 ("Relative Positional Accuracy") means the value expressed in feet or meters that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the 95 percent confidence level.)

In regard to monuments, point (a) above, in many cases the original section corners were not perpetuated or have been obliterated with time and therefore existing topographical features and monuments of modern origin provide the only evidence of the corner's most PROBABLE and/or ACCEPTED POSITION. In the absence of CREDITABLE physical and/or record evidence then proportional measurement has been used to establish the points of division of the section.

Section corners found or established by topographical features, monuments of modern origin or proportional measurement will be labeled as "ACCEPTED CORNER" on the plat of survey and are subject to undiscovered evidence regarding the true location of said corners. Uncertainty that surrounds an "ACCEPTED CORNER" is inherently passed to any parcel corner dependent upon the position of the section corner. Uncertainty of "ACCEPTED CORNERS" cannot be determined as the position of the "TRUE or ORIGINAL" corner is unknown. If an uncertainty is reported it is only an estimate.

In regard to "ACTIVE LINES OF OCCUPATION", point (c) above: ACTIVE refers to lines which are marked by visible, obvious, well defined and maintained, man-made or placed objects, such as, but not limited to, fences, hedges and retaining walls. The uncertainty cited for a line of occupation is general in nature and is NOT intended to be specific for every point along the line. Therefore portions of the occupation line may vary from the surveyed line by a distance greater or less than uncertainty cited in this report.

This survey is a Retracement Survey done under Indiana Statute IC 36-2-12-10, Legal Surveys.

This survey was performed at the request of Mike Carmin, Attorney at Andrews Harrell Mann Carmin & Parker, on behalf of Jeffrey Hamilton.

The property is currently in the name of Jean M. Hamilton, Instrument No. 2004005465 as found in the Monroe County Recorder's Office.

The field work was completed September, 2008.

The purpose of the Survey is to establish the boundary lines of the subject parcel by means of a "Legal Survey".

MONUMENTS FOUND:

- Mon #1. NE Corner of Section; 0.5' x 0.5' stone, origin unknown.
- Mon #2. NE Corner SE 1/4 NE 1/4, 0.3' x 0.8' stone, believed to have been established by 1861 Buskirk survey.
- Mon #3. SE Corner NE 1/4; rebar with "BFA" (Bynum-Fanyo Associates) cap, set by Doug Curry survey.
- Mon #4. SE Corner Section; 0.3' x 0.3' stone, origin unknown.
- Mon #5. NW Corner NE 1/4 NE 1/4; rebar with Lee Utt cap.
- Mon #6. SW Corner SE 1/4 NE 1/4; rebar with "BFA" (Bynum-Fanyo Associates) cap, set by Doug Curry survey.
- Mon #7. NW Corner NE 1/4; 0.3' x 0.7' stone, origin unknown.
- Mon #8. SW Corner NE 1/4; 5/8" rebar, origin unknown.
- Mon #9. SW Corner SE 1/4 NW 1/4; 3/4" iron pipe, origin unknown.

PRIOR SURVEYS:

- 1.) 1861 Survey by Buskirk.
- 2.) 1897 Waltrip Survey
- 3.) 2002 "Nehrl" Survey by Lee Utt.
- 4.) 2004 Archer Survey.
- 5.) Non-dated survey by Doug Curry.

History:

-1861 Buskirk Survey
The South line of the Northeast Quarter of Section 33, Township 9 North, Range 1 East was originally established by the 1861 survey by Buskirk. This survey starts at the original government survey "Post" at the Southeast corner of the Northeast quarter (A) and runs West 1317.52 feet (79 poles 21 1/4 links) and established a corner (B). The survey then proceeds West 659.01 feet (39 poles and 23 1/2 links) to another corner (C). The survey then proceeds West 659.01 feet (39 poles 23 1/2 links) to the center of Section (D). The survey then proceeds West 1317.69 feet (79 poles 21 1/4 links) (E) then West 1317.69 feet (79 poles 21 1/4 links) to the West quarter corner of Section 33. The East line was established by starting at the Northeast corner of Section 33 (P) and ran South 1320.00 feet (80 poles) to the Northeast corner Southeast Quarter, Northeast Quarter (2) The Northeast corner, Southeast Quarter, Southeast Quarter (M) was established by running a line East from the Northwest corner, Southwest Quarter, Southeast Quarter of the Section 33 (J).

An important note regarding this survey is that the Southeast corner of the Northeast Quarter (A) was an original post and was not called for being replaced with a stone. Our firm has conducted a thorough search for monuments at (A, B, C, D, and E) and did not recover any of the stones called for in the survey.

-1997 Waltrip Survey

This survey calls for monuments set at the four corners of the Williams property, two of those corners were recovered on this survey as shown on the plat. It is my opinion the Waltrip survey does not represent the historic deed location on the ground, the south line was not set at the record distance of 40 rods (660') North of the South line of the SW 1/4 of the NE 1/4 of the NE 1/4 of Section 33 and intersected with the centerline of Birdie Galyan road.

-2002 Utt Survey

This survey calls for a 5/8" iron pin found at the center of Section and a 3/4 inch iron pipe found at the Southeast corner Northeast Quarter and a 3/4" iron pipe at the Southwest corner Southeast Quarter Northeast Quarter.

This if the first survey that shows monuments (iron pins and pipes) on this line. There is no mention of the history of these monuments or how they were set.

This survey also established the Northeast corner Southeast Quarter, Southeast Quarter at 1319.25 feet South of the Northeast corner, Southeast Quarter but there are no monuments shown to the South which would indicate how the corner was set.

-2004 Archer Survey

This survey held the same corners as the Utt survey.

This survey also shows measured distance of 1259.18 feet North from the Southeast corner Northeast Quarter and 1287.98 feet to the Northeast corner of the section.

-Undated Curry Survey

This survey relocated all of the corners of the Utt and Archer surveys and also located the entire East line of Section 33.

This survey holds the rebar at the center of section per the Utt and Archer surveys but disagrees with the 3/4" pipe at the East quarter corner. The Curry survey finds the East section line to measure 5180.08 feet.

The Curry survey basically says that since there is no history of how the 3/4" iron pipe was set and it disagrees with measured distances, North and South that is should not carry any weight and the corner should be determined as lost.

NOTE:

- 1. FIELD WORK PERFORMED SEPTEMBER 2008.
- 2. ALL 5/8" REBAR SET HAVE YELLOW CAP STAMPED "BRG PC 50920004" AND ARE 0.39 ABOVE GROUND UNLESS NOTED.
- 3. (R) = RECORDED (M) = MEASURED (C) = CALCULATED FROM RECORD (A.G.) = ABOVE GROUND (B.G.) = BELOW GROUND (PROP) = PROPORTIONAL DISTANCE
- 4. BASIS OF BEARINGS: STATE PLANE COORDINATES, INDIANA ZONE, WEST NAD83, BASED ON GPS OBSERVATIONS ON SITE AND "OPUS" POST PROCESSING OF DATA.
- 5. THIS SURVEY IS NOT COMPLETE WITHOUT THE ASSOCIATED REPORT OF SURVEY.

LEGEND:

- SET HUB/TACK
- FD REBAR
- SET REBAR
- FD MAG NAIL
- SET MAG NAIL
- FD NAIL
- SET NAIL
- FD PIPE
- FD RR SPIKE
- SET RR SPIKE
- FD STONE
- (PROP) PROPORTIONAL DIST.
- N/F NOW OR FORMERLY

DEED ANALYSIS:

There are conflicts between the subject deed Inst. #2004005465 and the adjoining to the Northwest, Williams, Deed Book 460, page 521. The current Williams deed is based on the faulty 1997 survey by Bynum-Fanyo, which created an overlap with the subject Hamilton deed by as much as 106 feet mathematically and 88 feet by BFA's monuments', and leaves a gap between the North line of Williams and the North line of the SW 1/4 of the NE 1/4 of the NE 1/4.

Both Hamilton and Williams deeds were traced back to determine junior and senior rights. The Williams deed was recorded April 20, 1936 compared to the Hamilton being recorded May 02, 1936; thus making the Williams deed senior in title.

No other conflicts were found with the adjoining deeds of record.

ESTABLISHMENT OF LINES AND CORNERS:

All of the monuments listed above were accepted on this survey. All other monuments found and shown on the survey are for reference and reflect uncertainty in the locations. The Southeast quarter of the North quarter was established from the held monuments above and the mathematical split along the West line of the Northeast quarter. The measured acres for this quarter quarter are 38.12 acres compared to 40 acres by deed. That portion if the subject deed in the Southwest quarter of the Northeast quarter was established from the as-built centerline of Birdie Galyan Road, the established West line of the Southeast quarter of the Northeast quarter and a line 660.00 feet (40 rods) North of and parallel to the South line of the Southwest quarter of the Northeast quarter. This parcel contains 3.73 acres compared to 8 acres by deed.

The Williams parcel was established at record thus creating the lines for Hamilton along those lines that are common to each other. The Williams deed calls for it to be in the "SW 1/4 of the NE 1/4", therefore the East West line can only be extended to the east line of the SW 1/4 of the NE 1/4, not the 404.25' (24 1/2 rods) as called in the deed.

The discrepancies between this survey and the "Archer" survey are approximately 30 feet to 42 feet North-South as shown on the survey plat.

As a result of the above observations, it is my opinion that the uncertainties in the location of the lines and corners established on this survey are as follows:

Due to Availability and condition of reference monuments; those accepted, less than 0.5 feet; those found otherwise, in excess of 100 feet.

Due to Occupation or possession lines; plus or minus 100 feet.

Due to Clarity or ambiguity of the record description used and of adjoiners' descriptions and the relationship of the lines of the subject tract with adjoiners' lines; all those discussed above.

Surveyed Description

Job # 5913

A part of the Southeast quarter of the Northeast quarter and a part of the Southwest quarter of the Northeast quarter, all in Section 33, Township 9 North, Range 1 East, Monroe County, Indiana more particularly described as follows:

Beginning at a stone monument at the Northeast corner of the Southeast quarter of the Northeast quarter of said section; thence South 01 degrees 43 minutes 56 seconds East along the East line of said quarter quarter a distance of 1301.63 feet to a rebar with a cap stamped "BFA" at the Southeast corner of said quarter quarter; thence South 88 degrees 44 minutes 35 seconds West along the South line of said quarter quarter a distance of 1311.56 feet to a rebar with cap stamped "BFA" at the Southeast corner of the Southwest quarter of the Northeast quarter of said section; thence South 88 degrees 45 minutes 50 seconds West along the South line of said quarter quarter a distance of 200.58 feet to a railroad spike in the centerline of Birdie Galyan Road; thence Northerly along said centerline the next four (4) courses:
1) North 09 degrees 05 minutes 47 seconds East, 35.11 feet; thence
2) North 02 degrees 32 minutes 09 seconds West, 89.45 feet; thence
3) North 14 degrees 11 minutes 39 seconds West, 486.63 feet; thence
4) North 10 degrees 09 minutes 42 seconds West, 62.55 feet to a MAG nail which is 660.00 feet North (by perpendicular lines) of the South line of said Southwest quarter of the Northeast quarter; thence leaving said centerline North 88 degrees 45 minutes 50 seconds West, parallel to the South line of said quarter quarter a distance of 315.84 feet to a 5/8 inch rebar with cap stamped "BRG PC50920004" on the East line of the Southwest quarter of the Northeast quarter of said section; thence North 01 degree 10 minutes 37 seconds West along the said East line a distance of 641.48 feet to a 5/8 inch rebar with cap stamped "BRG PC50920004" at the Northwest corner of the Southeast quarter of said section; thence North 88 degrees 44 minutes 18 seconds East along the North line of said quarter quarter a distance of 1298.95 feet to the Point of Beginning, containing 39.00 acres in the Southeast quarter of the Northeast quarter and 3.73 acres in the Southwest quarter of the Northeast quarter for a total of 42.73 acres, more or less.

This survey was executed according to survey requirements contained in Sections 1 through 19 of 865 IAC 1-12.

This certification does not take into consideration additional facts that an accurate and correct title search and/or examination might disclose.

Evidence of easements have not been located in the field and are not shown on this survey drawing. Subject to the above reservation, I hereby certify that the survey work performed on the project shown hereon was performed either by me or under my direct supervision and control and that all information shown is true and correct to the best of my knowledge and belief.

Certified this 16th day of September, 2008

Ben E. Bledsoe
Registered Land Surveyor
State of Indiana



received
9-18-2008

T.E.R.

K.E.

| Date | 9-18-08 |
|--|---------|
| By | MJ |
| Revision | |
| REVISED TYPE MONUMENTS SET/SHOWN/REMOVED | |

Bledsoe Riggert Guerrettaz
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Bloomington, Indiana 47403
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BIRDIE GALYAN ROAD
BLOOMINGTON, IN

FOR
MIKE CARMIN and JEFFREY HAMILTON

| |
|--------------------------|
| SURVEYED BY: K.S. & J.W. |
| DRAWN BY: G.S.K. |
| CHECKED BY: B.E.B. |
| DATE: SEPTEMBER 15, 2008 |
| LEGAL SURVEY |
| SHEET 1 OF 1 |
| PROJECT NO. 5913 |